

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
v.)	No. 2:10-mj-179-JHR
)	
DUSTIN GILBERT,)	
)	
Defendants)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The parties filed a joint waiver to any objections to the Magistrate Judge's Recommended Decision (Docket No. 32) filed February 23, 2011. Therefore, no objections having been filed to the Magistrate Judge's Recommended Decision and having reviewed the proceedings, the Recommended Decision is **AFFIRMED**. Accordingly, it is **ORDERED** that:

1. The Defendant is committed to the custody of the Attorney General for a reasonable period of time, not to exceed 120 days, to receive treatment for his mental disease or defect in an effort to render him competent and of capacity to permit the proceedings in this case to go forward, as is mandatory upon an initial finding of incompetency to stand trial *see, e.g.* 18 U.S.C. § 4241(d); *United States v. Ferro*, 321 F.3d 756, 761 (8th Cir. 2003); and
2. Pursuant to 18 U.S.C. § 3161(h)(1)(A), this period of commitment be excluded from the time within which the trial of any offense must commence.

/s/ George Z. Singal
United States District Judge

Dated this 28th day of February, 2011.